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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twentieth session
Geneva, 26 April - 14 May 1999
Agenda item 8

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

ICELAND

1. The Committee considered the second periodic report of Iceland on the implementation of the Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.15) at its 3rd to 5th meetings (twentieth session), held on 27 and 28 April 1999, and adopted, at its 20th meeting held on 7 May 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, as well as its written replies to the list of issues presented by a delegation comprised of officials of various ministries. The Committee welcomes, in particular, the frank and constructive dialogue with the delegation and its readiness to reply to additional questions and to furnish additional information, whenever available. The State party's report was generally in conformity with the guidelines established by the Committee.

B. Positive aspects

3. The Committee welcomes the establishment of the Icelandic Human Rights Centre, which indicates the State party's respect for and dedication to the advancement of human rights.

4. The Committee welcomes the State party's efforts to further the goal of the implementation of gender equality and fuller participation of women in public affairs. It welcomes the Act on the Equal Status of Women and Men, which paved the way for special equal-status programmes such as the Action Programme, 1998-2001, which attempts to eliminate traditional obstacles to equality. The Committee welcomes the State party's acknowledgement that formal or legal equality is not sufficient if it does not result in real equality between both sexes in practice. It notes, in particular, that an important objective of the Government of Iceland is to work against wage disparities based on gender.

5. The Committee takes note of the Act on the Rights of Patients and the Act on a Health Sector Database which, it was informed, is in harmony with the Patients Rights Act. It also notes the establishment of the Special Council on Nutrition within the Ministry of Public Health, and the establishment of the Council for Alcohol and Drug Prevention. In particular, it notes, in this connection, the programme called "Drugless Iceland by 2002". It also notes the enactment of the Act on Compulsory Education in 1995, which shifted control of educational facilities from central to local government, with a view to improving the quality of education.

6. The Committee notes the State party's intention to amend Act No. 133/1994 on the Right of Foreigners to Work in Iceland, which amendment, if adopted, will eliminate the discrimination currently existing between nationals of European Economic Area (EEA) countries and those of other countries, as well as the discrimination between spouses of nationals of EEA countries and those of non-EEA countries.

7. With respect to the right to social security, the Committee notes the assertion by the State party that persons belonging to EEA countries enjoy the special privilege of obtaining work permits, unemployment benefits and social security benefits for their spouses or children who are non-EEA citizens. In addition, refugees admitted to Iceland not only have the right to obtain work permits but, unlike non-EEA citizens, are not subject to a six-month waiting period before acquiring entitlement to health-care benefits.

8. With regard to the problem of domestic violence, the Committee welcomes the programmes established by the State party to alleviate the situation of battered women and to prevent acts of violence. In addition, the Committee commends the State party for its anti-alcohol, anti-drugs and anti-smoking campaigns.

9. The Committee notes with satisfaction that Icelandic non-governmental organizations play an important role in furthering the cause of human rights and that they are consulted on a regular basis. In particular, it notes the role of an NGO called The Association for the Elderly in maintaining a useful position for that age group in Icelandic society.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes that there are no factors or difficulties impeding the implementation of the Covenant in Iceland.

D. Principal subjects of concern

11. It notes a certain complacency with respect to the non-incorporation of the Covenant in domestic legislation in the near future.

12. The Committee regrets that the International Covenant on Economic, Social and Cultural Rights has not been incorporated in domestic legislation, despite the State party's affirmation that different rights contained in the Covenant have been incorporated in various legislative Acts. It notes with regret that the rights in the Covenant have not been invoked before the courts.

13. The Committee notes that the State party has enacted many laws which have not been fully implemented in practice, as exemplified by the remaining gap in remuneration for equal work between men and women, even in the public sector. In addition, the Equal Status Complaints Committee, which is only entitled to make recommendations and present cases to court, was not considered to be the best venue for victims of discrimination.

14. The Committee is deeply concerned that juvenile violence against children is on the increase and it suggests that a possible link exists between this increase in juvenile violence in general and the increasing use of alcohol and drugs by schoolchildren and juveniles.

15. The Committee is concerned at the lack of family solidarity and the increasing resort to foster homes. It is a matter of concern that children leave their nuclear families and have to be brought up in temporary or permanent foster homes, which may give rise to problems of custody, homelessness and delinquency. It also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

16. The Committee notes with concern that, according to information supplied by the University of Iceland, 10 per cent of the population live below the poverty line, and notes the lack of a persuasive explanation by the delegation in this regard. It notes that the problem of poverty particularly affects single parents, parents with children, farmers, students and household workers. The State party's social welfare expenditure appears to be insufficient to help those vulnerable groups, despite the State party's relative affluence and resources.

17. The Committee notes with concern the high rate at which young people drop out of upper secondary education, a situation for which the delegation could not provide a satisfactory explanation. In addition, the Committee notes that 60 per cent of university graduates are female, and only 40 per cent male, which is explained by the fact that most males receive vocational training in secondary school and are determined to pursue a trade rather than a university education. It is not yet clear whether or not the transfer of control over schools from the central Government to the municipalities will lead to widening disparities between affluent and less affluent municipalities.

E. Suggestions and recommendations

18. The Committee reiterates its previous recommendation that if measures are taken to incorporate civil and political rights treaty obligations in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights. The Committee requests the State party to provide, in its next periodic report, information and specific relevant case law on the application of the Covenant. The Committee also requests that information be provided on an overall government plan to implement and to indicate progress achieved in implementing economic, social and cultural human rights. In that connection, the Committee draws the attention of the State party to its General Comment No. 9 on domestic application of the Covenant.

19. The Committee suggests that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national policy on issues such as social welfare, housing, health and education.

20. The Committee encourages the State party to increase its social welfare expenditures so as to strengthen its health and social welfare centres around the country. The Committee recommends the development of a social indicator model of drug and alcohol abuse and its treatment. It recommends, in addition, the elaboration of educational and social programmes to deal with problems of the victims of alcohol and drug abuse on a long-term basis.

21. The Committee recommends that the State party study in greater depth the poverty situation with respect to single parents, couples with children, students, farmers and disabled pensioners, with a view to extricating them from their present financial difficulties.

22. The Committee recommends that the State party present in its next periodic report an overall government plan aimed at alleviating the difficulties of the State party's vulnerable "poverty population", as well as a progress report on its achievements in this field.

23. The Committee requests the State party to ensure the wide dissemination of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.